

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Revenue Department-Visakhapatnam district - Sri B. Samadhanam, formerly Spl.Tahsildar (LA)) Defence, Visahapootnam District- Financial irregularities – Initiation of departmental action - Further action dropped-Orders issued.

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REVENUE (VIG.II) DEPARTMENT

G.O.Rt.No. 1243

Dated:20 .08.2009

Read the following:

1. From the Collector, Visakhapatnam Rc.No.10957/91/A-1, Dt.18.11.1991
2. From the Collector, Visakhapatnam Rc.No.10957/91/A-1, Dt.09.2.1992
3. Govt.Memo.No.100261/Ser-II-1/1991-4, dt.18.03.1992
4. Govt.Memo.No.100261/Ser-II-1/1991-4, dt.15.09.1992
5. Govt.Memo.No.100261/Ser-II-1/1991-13, dt.21.10.1993
- 6.From the Collector, Visakhapatnam Rc.No.10957/91/A2, Dt.29.10.2006 addressed to CCLA and copy marked to the Govt
- 7.Sri B. Samadhanam, Tahsildar (Retd) Rep.dt.20.01.09
8. From the CCLA's Lr.No. VS -I (3)/3940/1998, dt.21.02.2009.
- 9.Judgment of the Hon'ble A.P.A.T orders inO.A.No. 3804 of 2007,dt.05.11.2008.

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ORDER:

It was brought to the notice of the Government that Sri B. Samadhanam, Spl. Tahsildar (LA) Defence, Visakhapatnam District has misappropriated an amount of Rs.7,05,825.25, out of which, he has remitted an amount of Rs.3,53,500/- leaving balance amount of Rs3,52,325-25.In the Memo.3<sup>rd</sup> read above Government have appointed the J.C, VSP as Enquiry Officer to inquire into the allegations. As the E.O could not arrive at the correct quantum of amount misappropriated by the D.O, Govt in Memo 4<sup>th</sup> read above have requested the Director of Local Fund & Audit for this purpose and in Govt Memo 5<sup>th</sup> read above, have entrusted the case to the C.B, CID for investigation and a case was registered against the D.O on 29.1.1999 in Cr.No.83/99 and 84/99 in the court of MM.II Vizag.

2. In the meantime the D.O Sri B.Samadhanam was allowed to retire from service on 31.7.1991 without prejudice to the enquiry against him even after retirement vide G.O.Rt.No.75,Dt.16.10.91 and he was sanctioned 75% provisional pension.

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3. The Collector, Vizag in his letter 6<sup>th</sup> read above, has informed that the Metropolitan Munisif Magistrate Court, Visakhapatnam has delivered the judgement on 9.1.06 in Cr.N0.83/00 and 84/99 filed against Sri B. Samadanam adjudging the D.O as not guilty for the offences U/s 409 and 419 IPC and acquitted him. The Inspector, CB CID informed that there is no need of going for appeal in this case.

4. The D.O has filed O.A.No.3804/07 in A.P.A.T,Hyderabad for sanctioning full pension, DCRG, Commutation and other terminal benefits. The Hon'ble APAT, Hyderabad vide their orders 9<sup>th</sup> read above, in O.A.No.3804/07 held that " as the applicant was acquitted by the criminal court and even the departmental proceedings are deemed to have been initiated in the year 1992, cannot be counted any further in view of the law laid down by the Apex court in the cases of G.M Tank Vs State of Gujarat and other and M.V. Bijilani V Union of India. Therefore the departmental proceedings initiated by the Joint Collector are deemed to have been closed. The respondents are directed to release the pension and pensionary benefits forthwith. Accordingly, the OA is allowed".

5. Sri B. Samadanam, Tahsildar (Retd) in his representations 7<sup>th</sup> read above, has requested to sanction his full pension, DCRG and Commutation by considering his pathetic condition also in view of APAT judgment as he was 75 years old now.

6. Government after careful examination of the entire issue keeping in view of the orders of A.P.A.T and representation of the individual hereby decide to drop further action against the Delinquent Officer. Accordingly further action against Sri B. Samadhanam, Tahsildar (Retd), Visakhapatnam is dropped.

7. The Chief Commissioner of Land Administration, Hyderabad shall take further action accordingly

( ISSUED BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri B.Samadhanam, Tahsildar (Retd)  
    through the CCLA. Hyderabad.  
The Chief Commissioner of Land Administration, Hyderabad.  
Copy to:  
1.The Collector, Visakhapatnam district.  
2.The Secretary, A.P.Vigilance Commission.  
3.The Law Department.  
4.SF/SC

// Forwarded by Order //

SECTION OFFICER